

Minutes
Nevada State Emergency Response Commission
Policy Committee
Cooperative Extension Conference Room
2621 Northgate Lane #12
Carson City, Nevada
October 5, 2005

Members Present

Jim O'Brien via phone
Larry Farr
B. Jim Reagan
Richard Mirgon

Guests

Joe Curtis

Staff

Karen Kennard
Bruce Ferrel
Cheryl Folkers
Glade Myler

I. Call to Order

Jim O'Brien advised he would not be able to attend the meeting or stay on the phone conference. He asked Larry Farr to chair the meeting. Mr. Farr called the meeting to order at 9:10 a.m.

II. Introductions

Members, guests and staff introduced themselves as shown above.

III. Old Business

A. Approval of the July 6, 2005 meeting minutes

Richard Mirgon motioned to approve the minutes of the July 6, 2005 meeting. Jim Reagan seconded the motion which was approved unanimously.

B. Discussion/Recommendation possible revision to SERC policy 8.3, "Certified Assurances and Compliance Certification", requiring LEPC to hold quarterly meetings and the definition of a quarterly meeting

Discussions were held on SERC Policy 8.3 regarding the requirement to hold quarterly meetings and definition of meeting. Some wording changes were recommended.

Discussions continued regarding the requirement for additional information to be submitted with the exercise report form and the requirement of whether to require a report on all incidents and/or exercises or just one per year. The Committee discussed qualifying a real event instead of an exercise. A proper exercise or incident would be one that activates the hazardous materials team and plan. The Committee agreed the wording of the proposed policy change was acceptable at this time. The issue of using an incident to meet the exercise requirement was referred to the Planning and Training Committee for review and comment.

Discussion was held regarding the number of times publication of community-right-to-know information must be made. Glade Myler, Sr. Deputy Attorney General, indicated one time of publication per year would be sufficient. The Committee agreed to the suggested policy change. Discussion continued regarding the necessity of the submission of an "Affidavit of Publication". Staff was directed to research the requirement of the submission of the Affidavit. The issue of requiring an Affidavit of Publication will be agendized at a future meeting.

Mr. Reagan made a motion to approve Policy 8.3 with the revisions as proposed in the Policy section; Procedure section "i", striking the last sentence; "ii" as amended in discussion to include the reference to the State Open Meeting Law; section "e" to include narratives and scenarios of exercises or incidents; and section "f" to include publication of EPCRA information only once per year. Mr. Mirgon seconded the motion which was approved unanimously.

IV. New Business

A. Discussion/Recommendation on possible revision to SERC policy 8.1, "Review of Annual Hazardous Materials Response Plan and Exercise Report form", regarding specific exercise reporting requirements

Discussion was held regarding how many exercises or real events must be reported. The Committee agreed to require the LEPCs to report on at least one exercise or real event. Discussion continued regarding the time to file the report. The Committee agreed to require the report within 60 days of the exercise or incident.

Mr. Mirgon suggested Policy 8.3 as just approved be amended to delete the duplicative specific exercise/incident reporting requirements and make reference to the requirements in Policy 8.1. He explained in the future, if Policy 8.1 changes, 8.3 would not have to be changed as well. This issue was tabled pending completion of this agenda item regarding Policy 8.1.

The remaining proposed changes requiring narratives to the exercise reports were discussed. The Committee suggested including a requirement to provide a narrative on the back of the exercise form and to describe the evaluations of the hazardous materials plan.

Mr. Reagan made a motion to accept the changes as noted above. Mr. Mirgon seconded the motion which was approved unanimously.

Mr. Mirgon requested to revisit the motion made for Policy 8.3 in Old Business, item B of this agenda. A friendly amendment to the previous motion is made by Mr. Mirgon to strike the last three sentences in Procedure section "e" as this is duplicative to Policy 8.1. Mr. Reagan seconded the motion which was approved unanimously.

B. Discussion/Recommendation on possible revision to SERC policy 8.3, “Certified Assurances and Compliance Certification”, to include the requirements for publication of the Community-Right-to-Know

This item was approved under Old Business, item B of this agenda.

C. Discussion/Recommendation on possible revision to SERC policy 8.6, “Reporting”, regarding the requirement to submit an annual progress report

Karen Kennard advised the Committee information required per the SERC outline for the Annual Progress Report is redundant as it is provided during the year through other sources. Discussion was held. Joe Curtis from Storey LEPC advised it is no problem to provide additional information when asked for by the SERC. Mr. Reagan made a motion to amend Policy 8.6 to strike the requirement to submit an annual progress report and, contingent on approval of this motion, to correct Policy 8.3 to reflect the deletion of the annual progress report. Mr. Mirgon seconded the motion which was approved unanimously.

D. Discussion/Recommendation on possible development of a policy to accept a faxed or e-mailed document

Ms. Kennard advised the Committee of the request to accept faxed or e-mailed documents. Discussion was held regarding the requirements of the State record retention laws. Staff was directed to work with Mr. Myler on a policy regarding what documents require signatures and what may be accepted via fax or e-mail. Mr. Myler advised if the authenticity can be testified to in court, then faxed or e-mailed is okay. He also stated the Rules of Evidence state if a document is on letterhead, it is self-authenticating. The Committee suggested procedural requests may be accepted by faxed or e-mail. Those documents requiring certification should require original signatures.

E. Discussion/Recommendation on working group to review all SERC policies focusing on permissive and mandatory language

Ms. Kennard stated no responses were received on the policies as a whole from the Committee members or the Chairs of the other committees. Mr. Reagan suggested time should be set aside in an open meeting workshop format. The Committee agreed to setting a workshop.

Mr. Mirgon had to leave the meeting and there was no longer a quorum.

V. Public Comments

Ms. Kennard asked if the Committee would consider developing a policy requiring advanced notice to the SERC of LEPC meetings and exercises. Mr. Farr indicated this would be very appropriate information to be shared with the other LEPCs so they may also attend.

Ms. Kennard advised the Lyon LEPC requested direction on whether SERC funds could be used to fund a household chemical clean-up program. The Lyon LEPC indicated they have been working well with industry and the hazards now lie within the communities and within the homes. Initial indication is this is not appropriate use of SERC funds. Mr. Myler indicated they should first look at funds through the State. If the State does not have the funds, they should look towards the federal government. Mr. Farr suggested they contact EPA. Discussions continued. Staff was directed to ask the federal government if this would be appropriate through the Superfund Amendment Reauthorization Act (SARA).

VI. Adjournment

The meeting adjourned at 11:35 a.m.